

### Remarks

Claims 1-15 are pending in the present application. Claims 1-15 were rejected under 35 U.S.C. § 112, first paragraph, as described in paragraphs 13-21 of the Office action. Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as described in paragraphs 22-24 of the Office action.

Paragraph 4 of the Office action requests a complete copy of each of the items of art incorporated in the specification. Accordingly, attached hereto is an Information Disclosure Statement (IDS) citing the remainder of the documents incorporated by reference in the present application. The IDS includes a copy of each reference cited therein for the Examiner's convenience. Because every reference cited in the IDS was disclosed in the specification as filed, it is respectfully submitted that no fee is required.

Additionally attached hereto are replacement formal drawings for FIGs. 2 and 4-7, wherein each of the figures has been labeled with the legend --Prior Art--, as suggested by the Examiner in paragraph 8 of the Office action. It is respectfully submitted that FIG. 1 is not prior art and therefore has not been labeled accordingly. In light of the submission of the replacement formal drawings, applicants respectfully request that the outstanding objection to the drawings be withdrawn.

The specification has been amended to delete hyperlinks originally disclosed therein.

Applicants respectfully traverse the rejection of claims 1-15 under 35 U.S.C. § 112, first paragraph, for the following reasons.

The material indicated as being incorporated by reference in the specification is not essential subject matter required by one of ordinary skill in the art to make and/or use the invention without undue experimentation.

Further, paragraph 15 of the Office action indicates that, because of reference to incorporated material with the terms "supra" and "infra," it is "impossible to unambiguously determine what constitutes the specification." It is respectfully submitted that the well recognized literary terms "supra" and "infra" are used to refer to material that is discussed "above" or "below," respectively. Accordingly, use of literary terms to direct a reader to

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material that was discussed previously in the specification or to material that will be discussed further in the specification, would not make it impossible for one of skill in the art to "unambiguously determine what constitutes the specification."

In view of the above, it is respectfully submitted that the claims comply with 35 U.S.C. § 112, first paragraph.

Applicants respectfully traverse the rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph, for the following reasons.

Paragraph 23 of the Office action asserts that "[t]his claim is an omnibus type claim." M.P.E.P. § 2173.05(r) specifically indicates that an omnibus claim reads as follows: "a device substantially as shown and described." None of claims 1-15 recite "a device substantially as shown and described," or language similar thereto. Accordingly, contrary to the assertion in paragraph 23 of the Office action, none of claims 1-15 are omnibus claims.

Paragraph 24 of the Office action asserts that the "figures referenced by claim 8 indicate a relative term which renders the claim indefinite." The Office action then further discusses that the "accuracy of the curve and experimental error associated with the curves are not defined by the claim." It is respectfully submitted that claim 8 distinctly claims the subject matter, which the applicants regard as the invention in compliance with 35 U.S.C. § 112, second paragraph.

In light of the above discussion, it is respectfully requested that the outstanding rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph be withdrawn.

As discussed above, claims 1-15 comply with 35 U.S.C. § 112.

Additionally attached hereto is a Request for Statutory Invention Registration, PTO/SB/94, for the present application. Accordingly, it is respectfully submitted that the outstanding objections to the specification and claims are moot.

If there are any outstanding issues that can be resolved by telephone interview, the examiner is asked to call the applicant's attorney Thomas D. Robbins at 202-404-1553.

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Kindly charge any additional fees due or credit overpayment of fees to Deposit  
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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas D. Robbins", is written over a horizontal line.

Thomas D. Robbins

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Associate Counsel (Patents)

February 7, 2005